REMARKS

Claims 1, 4-13, 16-24, 26, 28-45, 48-52, 54 and 56-62 are pending in the application. All claims stand rejected under 35 U.S.C. § 101. In addition, Claim 41 stands rejected under 35 U.S.C. § 112.

Regarding Rejections Under Section 112

Claim 41 stands rejected under 35 U.S.C. § 112, second paragraph. The Applicants appreciate the Examiner's notice of the oversight in the last amendment. Claim 41 has now been amended to cure the defect.

Reconsideration of the rejections under 35 U.S.C. § 112 is respectfully requested.

Regarding Rejections Under Section 101

Claims 1, 4-11, 19-24, 26, 28-37, 42, and 43 stand rejected because the method claims were said to be able to be practiced mentally. The Applicants respectfully disagree.

Each of the method claims require that the method be practiced in a computer. For example, in Claim 1, the querying must be performed "by a management program," and the determining must be performed "by the user application program." Nevertheless, the method claims have been amended to clarify that the methods are "computer-implemented."

Claims 12, 40, and 57-62 stand rejected because it is stated that transmission media is not a tangible or functional embodiment. The Applicants respectfully disagree.

First, the Office has cited no authority for its proposition that a transmission medium carrying data signals is non-statutory. The Office has also offered no legal definition of "tangible".

Furthermore, the Applicants assert that data signals are tangible. They are electromagnetic signals and can be detected and measured, and can transmit data over great distances using a carrier wave. Indeed, a carrier wave of sufficient amplitude and frequency can be sensed by a human. While a signal transmitted by an electromagnetic signal is tangible, it can be transitory.

As explained in MPEP § 2106(IV)(B)(1)(c) "...a signal claim directed to a practical application of electromagnetic energy is statutory regardless of its transitory nature." Because Claims 12, 40, and 57-62 include a practical application of electromagnetic signals to provide a program code segment, it is a statutory claim.

Claims 13, 16-18, 41, 44-45, 48-52, 54, and 56 stand rejected because they are said to not be tangibly embodied in hardware. The Applicants respectfully disagree.

The claims expressly recite nodes on a network and programs. Although programs are software and not expressly hardware, programs are in fact embodied in hardware, which operate under instructions to function in a particular way. Furthermore, the rejected claims include means-plus-function claims which, under 35 U.S.C. § 112, paragraph 6, are limited to the structures disclosed in the specification, and their equivalents. If the Office disagrees, legal support to maintain the rejections of these claims is respectfully requested.

Reconsideration of the rejections under 35 U.S.C. § 101 is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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